

1 Joseph R. Saveri (State Bar No. 130064)  
JOSEPH SAVERI LAW FIRM, INC.  
2 505 Montgomery Street, Suite 625  
San Francisco, California 94111  
3 Telephone: (415) 500-6800  
Facsimile: (415) 395-9940  
4 jsaveri@saverilawfirm.com

5 Richard A. Koffman (*pro hac vice*)  
COHEN MILSTEIN SELLERS & TOLL PLLC  
6 1100 New York Ave. NW  
Suite 500, West Tower  
7 Washington, DC 20005  
Telephone: (202) 408-4600  
8 Facsimile: (202) 408-4699  
rkoffman@cohenmilstein.com  
9

10 Eric L. Cramer (*pro hac vice*)  
BERGER & MONTAGE, P.C.  
11 1622 Locust Street  
Philadelphia, PA 19103  
12 Telephone: (215) 875-3000  
Facsimile: (215) 875-4604  
13 ecramer@bm.net

14 *Attorneys for Individual and Representative*  
15 *Plaintiffs Cung Le, Nathan Quarry, Jon Fitch,*  
16 *Luis Javier Vazquez, Dennis Lloyd Hallman,*  
17 *Brandon Vera, Pablo Garza, Gabe Ruediger,*  
*Mac Danzig, Kyle Kingsbury, and Darren*  
*Uyenoyama*

18  
19 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
20 **SAN JOSE DIVISION**  
21

22 **Cung Le, Nathan Quarry, and Jon Fitch, on**  
23 **behalf of themselves and all others similarly**  
**situated,**

24 **Plaintiffs,**

25 **v.**

26 **Zuffa, LLC, d/b/a Ultimate Fighting**  
27 **Championship and UFC,**

28 **Defendant.**

Case Nos. 5:14-cv-05484-EJD, 5:14-cv-05591-  
EJD, 5:14-cv-05621-EJD; 5:15-cv-00521-EJD;  
5:15-cv-01324-EJD

**DECLARATION OF PLAINTIFF JON**  
**FITCH IN SUPPORT OF PLAINTIFFS'**  
**OPPOSITION TO DEFENDANT'S**  
**MOTION TO TRANSFER VENUE**

5:14-cv-05484-EJD, 5:14-cv-05591-EJD  
5:14-cv-05621-EJD, 5:15-cv-00521-EJD  
5:15-cv-01324-EJD

**Luis Javier Vazquez and Dennis Lloyd Hallman, on behalf of themselves and all others similarly situated,**

**Plaintiffs,**

**v.**

**Zuffa, LLC, d/b/a Ultimate Fighting Championship and UFC,**

**Defendant.**

**Brandon Vera and Pablo Garza, on behalf of themselves and all others similarly situated,**

**Plaintiffs,**

**v.**

**Zuffa, LLC, d/b/a Ultimate Fighting Championship and UFC,**

**Defendant.**

**Gabe Ruediger and Mac Danzig, on behalf of themselves and all others similarly situated,**

**Plaintiffs,**

**v.**

**Zuffa, LLC, d/b/a Ultimate Fighting Championship and UFC,**

**Defendant.**

**Kyle Kingsbury and Darren Uyenoyama, on behalf of themselves and all others similarly situated,**

**Plaintiffs,**

**v.**

**Zuffa, LLC, d/b/a Ultimate Fighting Championship and UFC,**

**Defendant.**

5:14-cv-05484-EJD, 5:14-cv-05591-EJD  
5:14-cv-05621-EJD, 5:15-cv-00521-EJD  
5:15-cv-01324-EJD

1  
2 I, Jon Fitch, declare that I am more than 18 years of age and I am competent to testify about  
3 the subjects declared herein, and that under the penalty of perjury, the following declarations are true  
4 and correct and based on my personal knowledge:

- 5 1. I am an Elite Professional MMA Fighter and proposed representative of the Bout and  
6 Identity Classes in the above-captioned matter. Along with Co-Plaintiffs Cung Le  
7 and Nathan Quarry, I filed the complaint in the above-captioned matter on December  
8 16, 2014.
- 9 2. I currently reside in Las Vegas, Nevada, but train at the American Kickboxing  
10 Academy (“AKA”) in San Jose, California, along with several other members of the  
11 Bout and Identity Classes, including, without limitation, Cain Velasquez, Daniel  
12 Cormier, Luke Rockhold and Josh Thomson.
- 13 3. I competed in UFC-promoted bouts in the United States and elsewhere from October  
14 2005 through February 2013. Those bouts included one competition in this District:  
15 “UFC 117” at the Oracle Arena in Oakland, California on August 7, 2010.
- 16 4. My compensation for participation in those UFC bouts was artificially suppressed due  
17 to the anticompetitive scheme alleged in the complaint.
- 18 5. I appeared in the first three versions of the UFC video game franchise, including *UFC*  
19 *Undisputed 2009*, *UFC Undisputed 2010*, and *UFC Undisputed 3*, debuting May 19,  
20 2009, May 25, 2010, and February 14, 2013, respectively, each of which is still sold  
21 today. *UFC Undisputed 2009* has reportedly sold over 3.5 million units, *UFC*  
22 *Undisputed 2010* has reportedly sold over 2 million unites, and *UFC Undisputed 3*  
23 has reportedly sold 1.4 million units.
- 24 6. I also appeared in Round 5 action figure sets, including limited edition sets, Topps  
25 Trading Card sets, and JAKKS Pacific action figure sets.
- 26 7. When the UFC negotiated a deal with THQ, Inc. for the development of a UFC video  
27 game, the UFC required that I assign exclusively and in perpetuity my likeness rights  
28



- 1 8. for video game use without compensation. When I sought to negotiate this
- 2 requirement, I was terminated.
- 3 9. My identity was expropriated and my compensation for appearing in UFC Licensed
- 4 Merchandise and UFC Promotional Materials was artificially suppressed.
- 5 10. I was and continue to be injured as a result of the UFC's unlawful conduct.
- 6 11. I chose to file the above-captioned matter in this District because it was by far the
- 7 most convenient forum to pursue my antitrust claim.
- 8 12. I own property in this District, and continue to train in this District. I chose to file the
- 9 above-captioned matter in this District because it is a convenient forum to pursue my
- 10 antitrust claim.

11  
12 Dated: April 10, 2015

By: 

Jon Fitch

23  
24  
25  
26  
27 5:14-cv-05484-EJD, 5:14-cv-05591-  
EJD  
5:14-cv-05621-EJD, 5:15-cv-00521-  
EJD  
5:15-cv-01324-EJD